

on the labeling of the *Benzedrine Sulfate tablets*, and "One Tablet night and morning" on the labeling of one sale of the *Dexedrine Sulfate tablets*, were not adequate directions for use, and since the labeling of the other sale of *Dexedrine Sulfate tablets* and *phenobarbital tablets* bore no directions for use.

Further misbranding, Section 502 (e) (1), the labeling of the repackaged *Benadryl capsules*, *Benzedrine Sulfate tablets*, one sale of *Dexedrine Sulfate tablets*, and one sale of *phenobarbital tablets*, failed to bear the common or usual names of the drugs.

Further misbranding, Section 502 (d), the *phenobarbital tablets* were drugs for use by man and contained a chemical derivative of barbituric acid, which derivative has been, by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the labels of the repackaged tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: November 28, 1949. A plea of nolo contendere was entered by the defendant. The defendant's attorney informed the court that he had advised the defendant that such sales were not in violation of the law, and that the defendant had acted on the advice of counsel in making the sales. Thereupon, the court ordered the information dismissed.

3203. Misbranding of Benzedrine Sulfate tablets and Dexedrine Sulfate tablets.

U. S. v. John H. Hugg. Plea of nolo contendere. Fine of \$100, plus costs.

(F. D. C. No. 29423. Sample Nos. 61424-K, 61756-K.)

INFORMATION FILED: June 28, 1950, Western District of Kentucky, against John H. Hugg, a partner and pharmacist in the partnership of Hugg, The Druggist, at Paducah, Ky.

INTERSTATE SHIPMENT: From the State of Pennsylvania into the State of Kentucky, of quantities of *Benzedrine Sulfate tablets* and *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about September 28 and 29, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused portions to be repacked and sold without a prescripion, which acts resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), both repackaged drugs failed to bear labels containing a statement of the quantity of the contents; Section 502 (e) (1), the repackaged *Benzedrine Sulfate tablets* bore no label containing the common or usual name of the drug; and, Section 502 (f) (1), both repackaged drugs failed to bear labeling containing adequate directions for use in that the labeling of the repackaged *Dexedrine Sulfate tablets* bore no directions for use, and the directions "Take as directed by physician," borne on the labeling of the repackaged *Benzedrine tablets*, were not adequate directions for use.

DISPOSITION: July 14, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$100, plus costs.

3204. Misbranding of Dexedrine Sulfate tablets, Nembutal Sodium capsules, and thyroid tablets. U. S. v. Louis R. Hugg (Hugg's Drugs). Plea of nolo contendere. Fine of \$200, plus costs. (F. D. C. No. 29425. Sample Nos. 61648-K, 61660-K, 61681-K, 61682-K.)

INFORMATION FILED: June 13, 1950, Western District of Kentucky, against Louis R. Hugg, trading as Hugg's Drugs, Paducah, Ky.